

VIA e-docket FILING

January 9, 2001

Ms. Donna Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Street
Springfield, Illinois 62701

RE: Settlement of Issues 18, 46, and 47, I.C.C. Docket 00-0592

Dear Ms. Caton:

Please be advised that the parties to the following issues currently under consideration in the above-captioned docket have settled those issues in accordance with the agreed-to language in the attached document. Those issues are: Issue #18 – Flow Through; Issue #46 – Hot Cuts – Coordinated Process and Procedures; and Issue #47 – Hot Cuts – Desired Frame Due Time.

Thank you for your assistance in this matter.

Sincerely,

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Service List, Docket 00-0592
Hearing Examiner Moran
Hearing Examiner Haynes

Language in Settlement of Issues 18, 46, and 47
Illinois CC Docket 00-0592

Issue 18: Flow Through.

In settlement of this issue, the parties agree as follows:

1. Ameritech Illinois will provide CLECs with a complete flow through listing, with complete exceptions, on or before April 15, 2001.
2. In April 2001, CLECs will provide Ameritech Illinois with a prioritized list identifying products/order types that CLECs seek to have flowed through over the next 24 months. The prioritized list will reflect those products or order types that CLECs currently provide or anticipate providing in significant volumes. The CLEC list will include Centrex resale. Also in April 2001, CLECs and Ameritech will meet to negotiate in good faith to agree upon a target percentage of flow through exceptions for each prioritized product/order type that will be eliminated quarterly over the next 24 months. If agreement on such a target cannot be achieved, the parties agree to treat this as an “implementation” issue such that CLECs may file for arbitration under Phase 3 of Condition 29 of the Merger Order. The parties may file for such arbitration as early as May 15, 2001. The parties agree that this target is itself not subject to testing in connection with the Phase 3 Master Test Plan (“MTP”) so long as Ameritech disaggregates its total flow through performance measure to allow CLECs to review the flow through percentages for the product/order types identified by the CLECs in the prioritized list referenced above
3. Over the next 24 months, Ameritech Illinois shall make a good-faith effort to attain significant improvements in the flow through rate for the order/product types identified in the CLEC list provided under paragraph 2. Separate from the target percentage of flow through exceptions identified in paragraph 2, Ameritech Illinois will publicly set a percentage target for each order/product type that it believes represents a significant improvement in the flow through rates for those order/product types.
4. By May 2001, Ameritech Illinois will provide the Commission and the parties to ICC Docket No. 00-0592 a detailed project plan outlining the milestones it will report, on a quarterly basis to reflect progress in meetings for improving flow through.
5. The project plan, along with the CLECs’ prioritized list, will be filed with the Commission.

6. Quarterly, beginning on September 10, 2001, Ameritech Illinois will report providing details about how its efforts are progressing. These reports shall be filed with the Commission and served on all parties to this arbitration docket. Ameritech Illinois' quarterly reports will be subject to Commission review. CLECs will have the opportunity to submit comments on the quarterly reports. The reports will be disaggregated (including disaggregation by product type) to the same level as is contained in performance measure #13.1. In connection with the six-month performance measure review in June, 2001, the parties will evaluate whether modification of reported flow through measurements need be made in light of the particular of particular flow through exceptions identified as a result of the process described in paragraphs 2 and 3, above (e.g., increased or modified disaggregation). In any event, as noted, on or before September 2001, Ameritech will disaggregate performance measure # 13.1 as described in paragraph 2 above.
7. If CLECs believe that significant progress has not been made, CLECs reserve their rights to petition the Commission to request a determination and to request penalties and other specific remedies, which may include payments to CLECs.
8. This agreement on this issue shall not operate in itself to extend the duration of Phase 3 of Condition 29 of the Merger Order with respect to this issue except that, after the expiration of Phase 3 and for the remainder of the 24-month period, as such period is specified below and in paragraphs 2 and 3 above, the parties agree that, in the event that Ameritech Illinois does not implement the flow through enhancements consistent with the terms of this agreement, CLECs shall have available to them an expedited complaint/arbitration remedy consistent with the one applicable to Phase 3. This arbitration process shall be separate and distinct from the arbitration process identified in paragraph 2. For the purpose of paragraphs 2, 3, and 8, the 'next 24 months' or the "24-month period" referred to therein shall be deemed to commence when all target percentages of flow through exceptions that will be eliminated quarterly for each prioritized product/order type has been agreed upon by the parties or ordered by the Commission.

Issue 46: Coordinated Hot Cuts.

Issue 47: Desired Frame Due Time.

In settlement of these issues, the parties agree as follows:

1. Ameritech Illinois will conduct a dial tone/ANI test on the day of cut, as a matter of course. In addition, for those CLECs who so desire, Ameritech Illinois will also conduct a dial tone/ANI test on due date minus 2 (DD-2). A CLEC who desires dial tone/ANI testing on DD-2 as a matter of course need only provide Ameritech with a single notice of such request. Once Ameritech receives such notice from a particular CLEC, it will conduct DD-2 dial tone/ANI testing for all cutovers requested by that CLEC as a matter of course and at no additional

charge. In the next 30-60 days, Ameritech will engage in further good faith collaboration with the CLECs to define the new routine process taking into account their views and concerns. The parties agree that the coordinated hot cut process will be tested in the Phase 3 third-party test taking place pursuant to Condition 29 of the Merger Order.

2. Ameritech Illinois will not charge CLECs for dial tone/ANI testing if it is done on a routine basis on DD-2 pursuant to the CLEC's request and /or on the date of cut. In addition, Ameritech will provide a dial tone/ANI test on a separate date as requested by the CLEC, subject to applicable charges.
3. Ameritech Illinois and the CLECs will engage in further good faith collaboration to address the timing of notice in instances where a dial tone/ANI test fails on DD-2 due to a CLEC trouble. Unless a different process results from the collaborative, Ameritech Illinois will provide notice to the CLECs of a failed dial tone/ANI test conducted on DD-2 no later than 4 business hours after such test, or by 10 am on DD-1, whichever occurs first. In addition, Ameritech Illinois will discuss potential procedures in the event a failure is found during such dial tone/ANI test performed on DD-2. In any event, if a dial tone/ANI test is conducted on DD-2 Ameritech will perform another dial tone/ANI test as a matter of course on the date of cutover.
4. Ameritech Illinois will provide CLECs with status updates every two hours until the order is completed for all hot cuts that fail at the time of the originally scheduled cutover. In instances where trouble is reported after order completion, a status update will be available via Electronic Bonded Trouble Administration (EBTA) on a real-time basis.
5. Ameritech Illinois will implement "flags" for desired frame due times for Coordinated Hot Cuts (CHC) consistent with industry guidelines, if and when such flags are included in these guidelines and upon a request from a CLEC and consistent with its then current Change Management Policy (CMP).
6. Ameritech will test and implement a "non-coordinated" frame due time hot cut process. Ameritech will enter into good faith collaboration with CLECs to define methods and procedures necessary for such process. Such discussions will begin in December, 2000, and will be concluded within 30-60 days. At the conclusion of the discussions, the participating parties will file a joint report advising the Staff of the resolution of issues. The parties agree that the frame due time hot cut process will be tested in the Phase 3 third-party test taking place pursuant to Condition 29 of the Merger Order.

Addendum

In connection with their settlement of Issue 18 described above, the parties clarify that they are asking the Commission to approve the remedies proposed in paragraphs 2 and 8 of the settlement language pertaining to that issue, which remedies may or may not have been contemplated by Condition 29 of the Merger Order.